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SENATE

{ REPORT
No. 1881

FRANCESCO CRACCHIOLO

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1927]

The Committee on the Judiciary, to which was referred the bill (S. 1927) for the relief of Francesco Cracchiolo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Francesco Cracchiolo. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

STATEMENT OF FACTS

The beneficiary of the bill is a 39-year-old native and citizen of Italy who last entered the United States as a visitor on September 5, 1950. He resides in Detroit, Mich., with his brother, who is an American citizen and part-owner of a restaurant.

A letter, with attached memorandum, dated May 29, 1952, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

MAY 29, 1952.

HON. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1927) for the relief of Francesco Cracchiolo, an alien. The bill would grant the alien permanent residence in the United States.

A memorandum prepared by the Immigration and Naturalization Service setting forth the facts of the case is attached.

The quota to which the alien is chargeable is oversubscribed and an immigration visa is not readily obtainable. In this respect, his case is similar to those of many other aliens who desire permanent residence in the United States. The record fails to present considerations sufficient to justify granting the alien a preference over other aliens who desire to avail themselves of the economic and other advantages of permanent residence in the United States but who nevertheless are remaining abroad and following the procedure prescribed by law in obtaining entry.

Accordingly, this Department is unable to recommend enactment of the measure.

Sincerely,

A. DEVITT VANECH
Deputy Attorney General.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE FRANCESCO CRACCHIOLO, BENEFICIARY OF S. 1927

Francesco Cracchiolo is a native and citizen of Italy, who was born on February 18, 1913. He last entered the United States on September 5, 1950, at New York as a visitor for a period of 6 months. An application for extension of stay was denied on March 30, 1951. He was given until September 7, 1951, to effect his departure. He failed to depart and a warrant in deportation proceedings was issued against the alien on December 6, 1951. After being accorded a deportation hearing, he was ordered deported from the United States pursuant to law by the hearing officer. No appeal was taken from the decision of the hearing officer and that decision became final. A warrant of deportation was issued on March 28, 1952.

The alien is married and has three children who are residing with his wife in Italy. He has one brother residing in the United States who has supported him since he entered this country. His brother states that the alien has not been employed in the United States. The alien has no assets in the United States. He states that he is a partner in a wine business in Italy and that his share of the income is being paid to his wife. He is chargeable to the quota of Italy which is presently oversubscribed.

Senator Homer Ferguson, the author of the bill, has submitted the following information in connection with the case:

SEPTEMBER 10, 1951.

HON. HOMER FERGUSON,
United States Senator,
Senate Building, Washington, D. C.

HONORED SIR: Your letter of September 5 to Mr. Sam Cracchiolo re bill S. 1927, for the relief of Francesco Cracchiolo, has been referred to me for answer, so that I might prepare an original and two copies, as you suggested.

Answering the first question contained in the letter forwarded by you, the answer is that Francesco Cracchiolo came to Detroit, Mich., to visit his brother, Salvatore (Sam) Cracchiolo, on a visitor's visa.

In answer to the second question—that is, as to the activities of the immigrant—he has been a guest of his brother, residing with him at 2317 East Lincoln Avenue, Royal Oak, Mich., which property is owned free and clear by Salvatore Cracchiolo.

Answering the third question, Francesco Cracchiolo has been the guest of his brother and has received living quarters and meals, and has not been employed in view of his status here as a visitor. However, he has assisted the brother and his wife in doing chores about the house merely as a token of appreciation, but not on any set salary. I was told by Mr. S. Cracchiolo that immediately upon the granting of permission for Francesco Cracchiolo to remain in this country, he will be given a job at the Paradiso Cafe, located at 17630 Woodward Avenue, Detroit, Mich., in which establishment the brother, Salvatore, is a partner.

Answering the fourth question, Francesco Cracchiolo is not engaged in any activities, political or otherwise, which would be injurious to the American public interest. As a matter of fact, I have been told to add to that question that he is not a member of any organization at all because of the fact that he did not know whether or not he would remain here for any period of time.

Answering your fifth question, Francesco Cracchiolo has never been arrested or convicted of any offense.

I have also been requested to add this additional information; and that is, that the brother, Salvatore Cracchiolo, who is desirous of having Francesco remain in

the United States, and who recently, within the last 2 years, married, would be very happy to prepare the usual affidavit assuring the full responsibility for the support of his brother that he would never become a public charge, and further obtain similar affidavits from a partner in the Paradiso Cafe and from any other responsible citizen of the United States, if an additional one would be required.

Trusting that this will suffice, I am,

Respectfully yours,

FRANK S. VALENTI.

DETROIT, MICH., June 11, 1952.

To Whom It May Concern:

Mr. Sam (Salvatore) Cracchiolo, age 53, 2317 Lincoln, Royal Oak, Mich., has been under my professional care from January 1946 to the present time.

This patient has been suffering from a progressive type of hypertension due to arteriosclerosis. The patient has never, to my knowledge, been able to adequately treat himself due to his type of employment. He is a chef in a large establishment in Detroit, and has averaged over 12 hours, 6 days each week. I have repeatedly advised him to discontinue the long hours as this is not beneficial to his physical condition.

He now states that he has trained his brother, Frank Cracchiolo, to take his place; thereby, he is able to totally or partially retire and enjoy a long-needed rest.

The diagnosis on this patient is arteriosclerosis, heart disease, coronary sclerosis. Prognosis is guarded.

Respectfully,

JAMES J. BOCCIA, M. D.

DETROIT, MICH.,
June 12, 1952.

HON. HOMER FERGUSON,
139 Senate Office Building, Washington 25, D. C.
(Attention: Mr. O. J. Dompierre.)

DEAR SENATOR: I have been wondering what has been done about the case of my brother, Francisco Cracchiolo, in whose behalf you were kind enough to introduce Senate bill 1927 some time ago.

I am concerned about the matter because of my health.

I have been training my brother, although he had had some 3 years' experience as officers' cook while in service in Italy, to take over my place in the management of the business in which I own an interest and in which place I have spent the best years of my life as chef, working 15 to 17 hours per day to make a success of it. I feel I have now done this, my place being considered one of the finest restaurants in Detroit.

If my brother is permitted to remain in this country, I could put in less hours and by his assistance I could retain my interest in the business as long as he would take over my duties as chef. Otherwise, I feel it will cause a break in the partnership and I might have to sacrifice all my years of hard work because of my reputation for good food as a chef, as a result of which hard work I have practically ruined my health, and my doctor has advised me that I cannot continue to do too much of this work or to put in long hours.

I also own an interest in the real estate where the business is located and I own my own home, and I have, because of my long hours and hard work, saved some funds. I have worked almost continually since my arrival in this country and I am a citizen and have never been arrested for the commission of any offense.

Of course, I would be very happy to place any form of security, or would otherwise guarantee that my brother would never receive public welfare.

I know you have been very good in trying to help me and I am asking you again if you can help to do something that would permit him to stay in this country. I would appreciate it very much.

I want to thank you for what you have done and for anything you may be able to do.

Respectfully yours,

S. CRACCHIOLO.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1927) should be enacted.

